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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 LAM RESEARCH CORPORATION, a
Delaware corporation,

10 Plaintiff,

11 v.

12 SUBHASH DESHMUKH, a Washington
corporation,

13 Defendant.

Case No. C04-5435FDB

ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION

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15 This matter is before the court on Plaintiff Lam Research Corporation's motion for
16 reconsideration of the court's order denying plaintiff leave to amend its complaint. Having
17 considered Plaintiff's motion and balance of the record, the court finds that the motion should be
18 denied.

19 I.

20 Motions for reconsideration are disfavored. CR 7(h)(1). The Court will ordinarily deny such
21 motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or
22 legal authority which could not have been brought to its attention earlier with reasonable diligence.
23 Plaintiff has made no showing of manifest error nor has it provided the Court with any newly
24 discovered evidence or intervening changes in controlling law to support its request for
25 reconsideration. The court has previously considered Plaintiff's arguments that it is entitled to amend

1 its complaint.

2 Plaintiff argues that it is entitled to file a third amended complaint to assert a claim of actual
3 and threatened misappropriation under California's Uniform Trade Secrets Act (as opposed to the
4 inevitable disclosure doctrine as it previously alleged and which California does not embrace). Prior
5 to the filing of Plaintiff's motion to amend, the Ninth Circuit Court of Appeals dismissed Plaintiff's
6 case, noting that Plaintiff's amended complaint alleges no facts to suggests any action other than one
7 resting on the "inevitable disclosure" theory, and no argument of a valid cause of action under
8 California law. As that ruling makes clear, this court has no authority to grant Plaintiff's request.
9 Additionally, Plaintiff's request comes sixteen months after the commencement of this case, after the
10 deadlines for amendment of pleadings and discovery have passed, and a mere two months from trial.
11 Plaintiff's arguments to the contrary, the Court of Appeals also answered the choice of law question,
12 holding that California law governs the dispute between the parties.

13 II.

14 Plaintiff's motion is merely cumulative of what has already been considered by this court and
15 fails to articulate an adequate basis for reconsideration.

16 ACCORDINGLY,

17 IT IS ORDERED:

18 (1) Lam Research Corporation's motion for reconsideration (Dkt.#252) is **DENIED**.

19 DATED this 24th day of January, 2006.

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24 FRANKLIN D. BURGESS
25 UNITED STATES DISTRICT JUDGE
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